

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS**

**MONDAY, MAY 17, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:05 p.m. on Monday, May 17, 2004, with President Boyd presiding.

Councillor Franklin led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty, Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*1 ABSENT: Plowman*

A quorum of twenty-eight members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Talley recognized State Representatives Bill Crawford and Gregory Porter. Councillor Gibson recognized former Councillor Frank Short. Councillor Nytes recognized Ramona Baker, executive director of the Arts Council of Indianapolis. Councillor Speedy recognized Harold Day, Perry Township Chief Deputy Trustee. Councillor Cain introduced Laura Burns, a freshman student at Lawrence Central High School in attendance to learn about local government. Councillor Gibson recognized Joyce Rogers, Indiana Black Expo. Councillor Bowes recognized Northern Estates homeowners in attendance.

## OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 17, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Rozelle Boyd  
President, City-County Council

April 27, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, April 30, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 254-256, 2004, said hearing to be held on Monday, May 17, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

April 30, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, May 5, 2004, a copy of a Notice of Public Hearing on Proposal No. 167, 2004, said hearing to be held on Monday, May 17, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

May 7, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 52, 2004 - approves an increase of \$154,942 in the 2004 budget of the Marion County Guardian Home (County General Fund) to fund additional staff, increase in utility expense and supplies

FISCAL ORDINANCE NO. 53, 2004 - approves an increase of \$662,549 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Non-Lapsing Federal Grants Fund), to purchase security equipment to enhance physical security at the City-County Building, financed by a federal grant from the Office of Domestic Preparedness-Department of Homeland Security

FISCAL ORDINANCE NO. 54, 2004 - approves an increase of \$45,077 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Non-Lapsing Federal Grants

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Fund), to acquire Pictometry technology, which provides high resolution, digital aerial photographs, as well as to fund promotional items for the Community Emergency Response Team (CERT), financed by a pass-through grant from the Federal Emergency Management Agency

FISCAL ORDINANCE NO. 55, 2004 – approves an increase of \$2,182,278 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Non-Lapsing Federal Grants Fund), to purchase equipment to enhance communication, health care and law enforcement protection, and intelligence in order to improve overall terrorism response capability of Marion County, financed by a federal grant from the Office of Domestic Preparedness-Department of Homeland Security

FISCAL ORDINANCE NO. 56, 2004 – approves an increase of \$137,609 in the 2004 Budget of Marion County Community Corrections (Home Detention User Fee Fund) to fund a variety of projects pertaining to the improvement of inmate living areas in the Community Corrections Centers to home detention equipment and funding for two (2) additional screeners for the Arrestee Processing Center

FISCAL ORDINANCE NO. 57, 2004 – approves an increase of \$14,548 in the 2004 Budget of Marion County Community Corrections (State and Federal Grants Fund) to appropriate carryover funds from 2003 to 2004 from a grant funded by the Department of Corrections to assist with the Community Transition Program

FISCAL ORDINANCE NO. 58, 2004 – approves an increase of \$92,712 in the 2004 Budget of Marion County Community Corrections (State and Federal Grants Fund) to fund a substance abuse treatment program, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 59, 2004 – approves a transfer of \$50,000 in the 2004 Budget of Marion County Community Corrections (State and Federal Grants Fund) to fund a position at the Marion County Community Court, funded by a grant from the Indiana Department of Correction

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2004 - approves an increase of \$2,313 in the 2004 Budget of the Department of Public Safety, Fire Division (Fire General Fund), to continue the SAFE KIDS BUCKLE UP Child Safety Seat Inspection Station (CSSIS) program at Fire Station #31, which provides suitable car seats and education on their use to citizens, financed by private donations

GENERAL RESOLUTION NO. 5, 2004 - designates the Lafayette Square Area as a community revitalization enhancement district (CRED)

GENERAL ORDINANCE NO. 16, 2004 - provides for a mayoral line of succession that is consistent with the provisions of the Indiana Code

GENERAL ORDINANCE NO. 17, 2004 - amends the zoning ordinance to allow the Indianapolis Historic Preservation Commission to set height standards in D-8 zones within historic districts

GENERAL ORDINANCE NO. 18, 2004 - authorizes a multi-way stop at the intersection of Delaware Street and Hill Valley Drive (District 23)

GENERAL ORDINANCE NO. 19, 2004 - authorizes a change in intersection controls within the Brendonway subdivision (District 11)

GENERAL ORDINANCE NO. 20, 2004 - authorizes intersection controls for the Southern Ridge subdivision (District 25)

GENERAL ORDINANCE NO. 21, 2004 - authorizes intersection controls for Bayberry Villages (District 22)

GENERAL ORDINANCE NO. 22, 2004 - authorizes intersection controls for Harness Lakes at Wellingshire (District 22)

GENERAL ORDINANCE NO. 23, 2004 - authorizes intersection controls for Orchard Valley Farms (District 18)

GENERAL ORDINANCE NO. 24, 2004 - authorizes intersection controls for Sonesta (District 22)

GENERAL ORDINANCE NO. 25, 2004 - authorizes intersection controls for Buck Creek Villages (District 22)

GENERAL ORDINANCE NO. 26, 2004 - authorizes intersection controls for Woodland Trace (District 25)

GENERAL ORDINANCE NO. 27, 2004 - authorizes intersection controls for Franklin Gardens (District 25)

GENERAL ORDINANCE NO. 28, 2004 - authorizes intersection controls for Bel Moore (District 25)

GENERAL ORDINANCE NO. 29, 2004 - authorizes parking restrictions on White River Parkway E. Drive from West Street to Morris Street (District 19)

GENERAL ORDINANCE NO. 30, 2004 - authorizes a permanent parking restriction change for the Downtown Federal Buildings (District 15)

SPECIAL RESOLUTION NO. 12, 2004 - recognizes Janice Roger, Cantor of the Indianapolis Hebrew Congregation for the past 25 years

SPECIAL RESOLUTION NO. 13, 2004 - an inducement resolution for Turtle Creek Apartments, LLC in an amount not to exceed \$10,000,000 which consists of the acquisition and rehabilitation of the existing 262-unit multi-family housing residential rental project known as Turtle Creek Apartments located at 8265 Harcourt Road (District 2)

SPECIAL RESOLUTION NO. 14, 2004 - an inducement resolution for Herman & Kittle Properties, Inc. in an amount not to exceed \$15,000,000 for the new construction of a 272-unit apartment community to be located at 8801 Evergreen Avenue (District 3)

Respectfully,  
s/Bart Peterson, Mayor

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of April 26, 2004. There being no additions or corrections, the minutes were approved as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 282, 2004. The proposal, sponsored by Councillors Randolph and Talley, recognizes Rudy Hightower, Pastor Kenneth Sullivan, and the Charity Christian Community Development Corporation. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Mr. Hightower and Pastor Sullivan thanked the Council for the recognition. Councillor Boyd said that Mr. Hightower has been an active member of the community for some time and he appreciates his dedication. Councillor Randolph moved, seconded by Councillor Talley, for adoption. Proposal No. 282, 2004 was adopted by a unanimous voice vote.

Proposal No. 282, 2004 was retitled SPECIAL RESOLUTION NO. 15, 2004, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 15, 2004**

A SPECIAL RESOLUTION recognizing Mr. Rudy Hightower, Reverend Kenneth Sullivan, and the Charity Christian Community Development Corporation.

WHEREAS, Charity Christian Center Family Church endeavors to bring biblical solutions to community problems with various ministries such as Little Duckling Daycare, North Star Christian Academy, before- and after-school programs, and Nehemiah Christian College; and

WHEREAS, the Charity Christian Community Development Corporation was founded in 2003 as a state-wide certified provider fully capable of training individuals in construction-related trades; and

WHEREAS, the corporation seeks to help the unemployed, underemployed, temporary assistance for needy families (TANF) and food stamp recipients, older youth, and ex-offenders, both male and female, on their journey to self-sufficiency; and

WHEREAS, the corporation offers a twelve-week training program focusing on life skills, job readiness, construction skills, job placement assistance, and spiritual counseling; and

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WHEREAS, Charity Christian is also fortunate to be able to provide assistance to these individuals in other areas, such as housing, transportation, and family strengthening; and

WHEREAS, since January 2004, sixty-three people have enrolled in the program, twelve have graduated, and seven are already employed; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the dedicated service given by Mr. Rudy Hightower and Reverend Kenneth Sullivan through the Charity Christian Community Development Corporation.

SECTION 2. The Council extends its appreciation for their efforts in helping meet the needs of the community and wishes them much success with this endeavor.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 283, 2004. The proposal, sponsored by Councillor Cain, recognizes the Children's Theatre Institute. Councillor Cain read the proposal and presented representatives with copies of the document and Council pins. James Leagre, founder of the institute, thanked the Council for the recognition. Councillor Cain moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 283, 2004 was adopted by a unanimous voice vote.

Proposal No. 283, 2004 was retitled SPECIAL RESOLUTION NO. 16, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 2004

A SPECIAL RESOLUTION recognizing the Children's Theatre Institute.

WHEREAS, numerous studies have proven that sustained student involvement in theatre arts enhances reading proficiency, self-confidence, critical thinking, creativity, self-discipline, and motivation; and

WHEREAS, despite these proven benefits of theatre arts, such programs are viewed as extra-curricular and increasingly fall victim to school cutbacks; and

WHEREAS, for families with limited incomes, the need for arts programming is even greater; and

WHEREAS, Indianapolis native James Leagre first formed a touring company known as Chicago TheatreWorks to meet the need for arts programming for underserved youth, and in 1997, returned to Indianapolis and expanded the mission to include a wide range of arts education offerings resulting in the Children's Theatre Institute (CTI); and

WHEREAS, CTI is a non-profit organization created to provide children of all ages, backgrounds, and abilities with opportunities to have fun, take risks, and strive for personal success through theatre arts; and

WHEREAS, CTI offers acting classes, summer camps, interactive plays for families, in-school touring plays, and artist-in-residence programs directly in schools, day care centers, and YMCAs, as well as at their downtown location; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the efforts of the Children's Theatre Institute to educate and inspire youth ages three to fifteen through innovative arts education programs and theatrical presentations.

SECTION 2. The Council congratulates CTI on their success thus far and encourages them to continue serving the youth of Indianapolis, especially those to whom such opportunities would otherwise not be available.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 284, 2004. The proposal, sponsored by Councillor Talley, recognizes the Indianapolis BookFest on Saturday, June 12, 2004. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Bertha Davis, local author and committee member, thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 284, 2004 was adopted by a unanimous voice vote.

Proposal No. 284, 2004 was retitled SPECIAL RESOLUTION NO. 17, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 2004

A SPECIAL RESOLUTION recognizing The Indianapolis Book Fest, a city-wide book celebration on Saturday, June 12, 2004.

WHEREAS, literacy plays an important role in the quality of life for all citizens and helps individuals achieve higher levels of education and career success; and

WHEREAS, the first annual Indianapolis Book Fest is part of an effort to promote literacy, as well as the cultural diversity of the written and performing arts in Indianapolis; and

WHEREAS, the theme for the 2004 book festival sponsored by Author-House and hosted by the Indiana Historical Society is "A Lifetime of Learning"; and

WHEREAS, the festival will feature noted author, actor, producer, and lyricist Vincent Alexandria as keynote speaker and will introduce numerous local Indiana authors and artists to the general public; and

WHEREAS, the day's programming will include readings, autograph sessions, book giveaways, storytelling, exhibitions, and musical performances; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Saturday, June 12, 2004 as "Indianapolis Book Fest Day" as proclaimed by Mayor Bart Peterson.

SECTION 2. The Council extends its appreciation and gratitude to the book fest committee for their efforts to promote the cultural aspects of the Hoosier capital and wishes them much success with their first annual event.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 285, 2004. The proposal, sponsored by Councillors Boyd, Bowes, Gray, Sanders, Keller and Randolph, recognizes the 50th anniversary of the historic Brown v. Board of Education ruling. Councillors Boyd and Sanders read the resolution and presented copies of the document and Council pins to representatives. State Representatives Crawford and Porter and Ms. Rogers thanked the Council for the recognition. Councillor Boyd read a note he had received

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recently which showed that racist attitudes still exist, and he encouraged members to become ambassadors and not contribute to these attitudes. Councillor Sanders moved, seconded by Councillor Bowes, for adoption. Proposal No. 285, 2004 was adopted by a unanimous voice vote.

Proposal No. 285, 2004 was retitled SPECIAL RESOLUTION NO. 18, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 2004

A SPECIAL RESOLUTION recognizing the Indiana Black Legislative Caucus' and Indiana Black Expo's 50th Anniversary Program in recognition of the U. S. Supreme Court's decision in ***Brown v. Board of Education of Topeka***.

WHEREAS, Fifty years ago, on this date, May 17, 1954, the U. S. Supreme Court issued its landmark decision in the case of ***Brown v. Board of Education*** that overturned its 1896 ***Plessy v. Ferguson*** decision which until May 17, 1954 allowed racial segregation in public places, including public schools, so long as "separate but equal" facilities were provided; and

WHEREAS, The Court held that the "separate but equal" doctrine gutted the equalizing aspects of the Fourteenth Amendment of the U. S. Constitution, particularly the Amendments insistence that all are equal before the law and government; and

WHEREAS, The struggle against ***Plessy*** was greatly enhanced by the efforts of the National Association for the Advancement of Colored People (NAACP) with lead counsel Thurgood Marshall (later a Supreme Court Justice), engaged in a careful legal war to secure desegregation in public places and demonstrated that no one could honestly pretend "separate" actually meant "equal"; and

WHEREAS, The ***Brown*** decision was the catalyst for educational and social reform which helped to launch the modern Civil Rights Movement throughout the United States and in Indiana; and

WHEREAS, The ***Brown v. Board of Education*** ruling in favor of integration is one of the most significant strides America has taken in favor of civil liberties and laid the foundation for shaping present and future national and international policies regarding human rights; and

WHEREAS, The Indiana Black Legislative Caucus and Indiana Black Expo have in the spirit of ***Brown*** continued the effort to reform the laws and policies that prejudice, discriminate against, and stereotype other people by their ethnic, religious, physical or cultural characteristics; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes The Indiana Black Legislative Caucus and Indiana Black Expo, for their continuing effort to reform those laws and policies that prejudice, discriminate against, and stereotype other people by the ethnic, religious, physical or cultural characteristics.

SECTION 2. The Council extends its appreciation and gratitude to the said Indiana Black Legislative Caucus and Indiana Black Expo for their continuing endeavors in the spirit of ***Brown***, the National Association for the Advancement of Colored People and the late U.S. Supreme Court Justice Thurgood Marshall, and for the common good of us all, wishes them success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 104, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 104, 2004 on February 12 and 23, 2004 and again on May 10, 2004. The proposal, sponsored by Councillor Talley, appoints Bob Kennedy to the Metropolitan Development Commission. By a 6-0 vote, the Committee reported the proposal to the Council

with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 104, 2004 was adopted by a unanimous voice vote.

Proposal No. 104, 2004 was retitled COUNCIL RESOLUTION NO. 53, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 2004

A COUNCIL RESOLUTION appointing Bob Kennedy to the Metropolitan Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Bob Kennedy

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 209, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 209, 2004 on April 19 and May 10, 2004. The proposal, sponsored by Councillors Talley, Sanders, Gray and Boyd, appoints Steven Badger to the Metropolitan Board of Zoning Appeals, Division I. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Gibson, for adoption. Proposal No. 209, 2004 was adopted by a unanimous voice vote.

Proposal No. 209, 2004 was retitled COUNCIL RESOLUTION NO. 54, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 2004

A COUNCIL RESOLUTION appointing Steven Badger to the Metropolitan Board of Zoning Appeals, Division I.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals, Division I, the Council appoints:

Steven Badger

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 210, 2004. Councillor Gibson reported that the Municipal Corporations Committee heard Proposal No. 210, 2004 on May 10, 2004. The proposal, sponsored by Councillors Sanders, Gray, Gibson, Conley and Boyd, reappoints Tommie Jones to the Indianapolis Public Transportation Corporation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gibson moved, seconded by Councillor Gray, for adoption. Proposal No. 210, 2004 was adopted by a unanimous voice vote.



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Proposal No. 210, 2004 was retitled COUNCIL RESOLUTION NO. 55, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 55, 2004

A COUNCIL RESOLUTION reappointing Tommie Jones to the Indianapolis Public Transportation Corporation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Public Transportation Corporation, the Council reappoints:

Tommie Jones

SECTION 2. The appointment made by this resolution is for a term ending April 9, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 234, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 234, 2004 on May 11, 2004. The proposal, sponsored by Councillors Nytes, Boyd, Gray and Sanders, appoints Dr. Thomas Inui to the Information Technology Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 234, 2004 was adopted by a unanimous voice vote.

Proposal No. 234, 2004 was retitled COUNCIL RESOLUTION NO. 56, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 56, 2004

A COUNCIL RESOLUTION appointing Dr. Thomas Inui to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council appoints:

Dr. Thomas Inui

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 259, 2004. Introduced by Councillors Brown, Mahern, Cockrum, Gray, Oliver, Gibson and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,000,000 in the 2004 Budget of the Office of the City Controller (Consolidated County Fund and City Rainy Day Fund) to provide for a loan to the Indianapolis Public Transportation Corporation to allow IndyGo to cover 2004 expenses and to avoid reductions in bus routes"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 260, 2004. Introduced by Councillors Sanders and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$6,040 in the 2004 Budget of the Marion County Cooperative Extension Service (County Grants Fund) for

purposes of funding summer youth programs, funded by Indianapolis Foundation and Lilly Endowment, Inc."; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 261, 2004. Introduced by Councillors Nytes and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the official zoning map to change the delineation of the wellfield protection zoning districts"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 262, 2004. Introduced by Councillors Gray, Cockrum and Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$40,621 in the 2004 Budget of the Department of Parks and Recreation (State Grants Fund) to pay for design and engineering for lighting, landscaping, trash receptacles, and other construction projects on the Guilford Street Bridge to the Monon Trail, financed by a state grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 263, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,000 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to fund a public awareness initiative for the Indianapolis Kessler Park and Boulevard Plan, financed by a grant from the U.S. Department of the Interior"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 264, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,950 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing State Grants and Non-Lapsing Federal Grants Funds) to restore and protect a graminoid fen wetland community in Southwestway Park, to treat invasive species of bush honeysuckle at Southwestway and Juan Solomon parks, and to pay for understory planting at Municipal Gardens park, financed by State and Federal grants"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 265, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$50,472 in the 2003 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to complete the purchase of 101 acres of land adjacent to Southwestway Park and to purchase plant material for the Land Stewardship program at Marrott Park"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 266, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a P.S.S.D.F.O. which approves an increase of \$161,000 in the 2004 Budget of the Department of Public Safety (State Law Enforcement Fund) to pay for salaries and benefits of the Marion County Prosecutor Forfeiture Unit as part of a Memorandum of Understanding (MOU) between the Indianapolis Police Department, Marion County Sheriff Department and the Marion County Prosecutor's Office"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 267, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$399,580 in the 2004 Budget of the Department of Public Safety, Police Division (Federal Grants and Non-Lapsing Federal Grants Funds), to upgrade the mugshot system, purchase equipment for the bomb squad, pay for police officer overtime, and to provide use of

force alternatives training, financed by federal grants and a transfer between characters"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 268, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and an increase of \$54,421 in the 2004 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), to pay for expenses incurred by the Urban Search and Rescue Task Force while on deployment to assist in the aftermath of Hurricane Isabel, cover administrative costs incurred by the NASA deployment of the Urban Search and Rescue Task Force, and to cover anticipated expenditures for the team throughout this year, financed by a transfer between characters and a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 269, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$162,833 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund), to perform electrical repairs needed for equipment purchased as part of the Homeland Security Grant Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 270, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$331,688 in the 2004 Budget of Marion County Superior Court (State and Federal Grants Fund) to appropriate Edward Byrne Grant and Block Grants 7 and 8 for the Drug Treatment Diversion Program, funded by grants from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 271, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$129,274 in the 2004 Budget of Marion Superior Court (State and Federal Grants Fund) to appropriate Indiana Criminal Justice Institute grant to Community Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 272, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$6,800 in the 2004 Budget of the Marion County Superior Court (Drug Treatment Diversion Program Fund) to cover Character 03 expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 273, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$11,345 in the 2004 Budget of the Public Defender Agency (State and Federal Grants Fund) to transfer surplus fringes to cover salary expense"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 274, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$120,000 in the 2004 Budget of the Public Defender Agency (County General Fund) to transfer fringes (Char 01) and capital outlay (Char 04) to other services and charges (Char 03) to pay expenses for seven (7) contractual attorneys handling termination of parental right cases for the balance of 2004"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 275, 2004. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Timberlakes Subdivision, Section 2 (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 276, 2004. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Bolton Avenue and New York Street (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 277, 2004. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a one-way restriction on Layman Avenue between Washington Street and Lowell Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 278, 2004. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Butler and Fletcher Avenues (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 279, 2004. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Cumberland Cove Subdivision (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 280, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which elects to fund MECA in 2005 with County Option Income Tax (COIT) revenues in the amount of \$2,750,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 281, 2004. Introduced by Councillors Boyd, Gray, Franklin, Plowman, Talley and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which clarifies the application of the city's curfew ordinances"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 292, 2004. Introduced by Councillors Boyd, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes an investigating committee of the council for the purpose of investigating the policies and expenditures of the Marion County Election Board"; and the President referred it to the Rules and Public Policy Committee.

#### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 286, 2004 and PROPOSAL NOS. 287-291, 2004. Introduced by Councillor Talley. Proposal No. 286, 2004, and Proposal Nos. 287-291, 2004 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 23 and May 5, 2004. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification

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as REZONING ORDINANCE NOS. 54-59, 2004, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 54, 2004.

2003-ZON-141 (2003-DP-017)

1270 and 1302 NORTH POST ROAD (approximate addresses)

INDIANAPOLIS, WARREN TOWNSHIP, COUNCILMANIC DISTRICT #13

THOMAS F. DANFOS REVOCABLE TRUST, by David Kingen, requests a rezoning of 7.539 acres, being in the D-A District to the D-P classification to provide for two medical services offices with limited retail in the clinics, one being 8780 square feet and another 6120 square feet.

REZONING ORDINANCE NO. 55, 2004.

2003-ZON-147

750 EAST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

EDWARD AND CLAUDIA SCHAEFER, by David T. Page, request a rezoning of 2.75 acres, being in the D-A District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 56, 2004.

2004-ZON-009

2005 and 2009 EAST 30<sup>TH</sup> STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

LEE L. HUGGINS, JUNIOR requests a rezoning of 0.25 acre, being in the D-5 District, to the C-3 classification to provide for a restaurant.

REZONING ORDINANCE NO. 57, 2004.

2004-ZON-011

2183-2195 NORTH GALE STREET and 2168 NORTH SHERMAN DRIVE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #10

MARTIN UNIVERSITY, by David Kingen, requests a rezoning of 0.80 acre, being in the I-3-U and D-5 Districts, to the UQ-1 classification to provide higher educational uses.

REZONING ORDINANCE NO. 58, 2004.

2004-ZON-801 (2004-DP-001)

7822 MADISON AVENUE and 1800 EAST STOP 11 ROAD (approximate addresses), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #24

SENTRY DEVELOPMENT, INCORPORATED, by John W. Van Buskirk, requests a rezoning of 10.30 acres, being in the D-A District, to the D-P classification to provide for 56 attached single-family dwellings (two dwellings per building), at a density of 5.87 units per acre, and an office and light retail development on a 0.80 acre lot.

REZONING ORDINANCE NO. 59, 2004.

2004-ZON-806

5330 EAST STOP 11 ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #25

COMMUNITY CHURCH OF SOUTHPORT, INCORPORATED, by Donald R. Russell, requests a rezoning of 7.615 acres, being in the SU-1 District to the HD-2 classification to provide for a three-story, 62,265-square foot medical office building with 308 parking spaces, and with a four-foot tall, 32-square foot on-premise non-illuminated ground sign, a 76.55 square foot internally illuminated individual letter wall sign and a 94.25-square foot internally illuminated individual letter wall sign.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 167, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 167, 2004 on March 24, April 12, and April 28, 2004. The proposal, sponsored by Councillor Borst, approves an increase of \$1,550 in the 2004 budget of the Marion Superior Court (State and Federal Grants Fund) appropriating a grant to pay

for security services at Community Court in a Conflict Resolution Initiative, funded by a grant from Southeast Umbrella Organization. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President Boyd called for public testimony at 8:02 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption. Proposal No. 167, 2004, as amended, was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Plowman*

Proposal No. 167, 2004 was retitled FISCAL ORDINANCE NO. 61, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional One Thousand Five Hundred Fifty Dollars (\$1,550) in the County Grants Fund for purposes of the Marion Superior Court and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of appropriating a grant to pay for security services at Community Court in a Conflict Resolution Initiative.

SECTION 2. The sum of One Thousand Five Hundred Fifty Dollars (\$1,550) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>1,550</u>
TOTAL INCREASE	1,550

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>1,550</u>
TOTAL REDUCTION	1,550

SECTION 5. No local match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 255, 2004. Councillor Talley reported that Councillor Bowes called Proposal No. 255, 2004 out for a public hearing on April 26, 2004. The proposal is a rezoning ordinance

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for Pike and Washington Townships, Councilmanic District 2, 3901 Guion Road, 3350 West 38th Street, 3802 Kessler Boulevard, North Drive (approximate addresses) (2003-ZON-148) (2003-DP-020).

Councillor Bowes made the following motion:

Mr. President:

I am pleased to report that the parties involved in the rezoning at 3901 Guion Road, 3350 West 38<sup>th</sup> Street, and 3802 Kessler Boulevard, North Drive, have reached a compromise and it will not be necessary to have a hearing on this matter; therefore, I move that Proposal No. 255, 2004 (Rezoning Petition No. 2003-ZON-148/2003-DP-020) be adopted, incorporating the commitments dated May 17, 2004 therein.

Councillor Gray seconded the motion. President Boyd called for public testimony at 8:03 p.m. There being no one present to testify, Proposal No. 255, 2004 was adopted by a unanimous voice vote, and is identified as follows:

REZONING ORDINANCE NO. 60, 2004.

2003-ZON-148 (2003-DP-020)

3901 GUION ROAD, 3350 WEST 38<sup>TH</sup> STREET, 3802 KESSLER BOULEVARD, NORTH DRIVE (approximate addresses), INDIANAPOLIS.

PIKE AND WASHINGTON TOWNSHIPS, COUNCILMANIC DISTRICT #2

BAY DEVELOPMENT CORPORATION, by Thomas Michael Quinn, requests a rezoning of 61.79 acres, being in the D-A and D-3 Districts, to the D-P classification to provide for 289 single-family dwellings at a density of 4.68 units per acre.

PROPOSAL NO. 256, 2004. Councillor Talley reported that Councillor Schneider called Proposal No. 256, 2004 out for a public hearing on April 26, 2004. The proposal is a rezoning ordinance for Washington Township, Councilmanic District 4, 6373 Rucker Road (approximate address) (2003-ZON-170).

President Boyd explained the public hearing process and said that Councillor Schneider will begin the discussion with a two-minute opening statement, followed by the petitioner's presentation and then the remonstrator's presentation. Each presentation may last up to 20 minutes and the balance of time may be reserved for rebuttal. The public will be allowed comment, followed by rebuttals. Councillors will then be allowed two minutes each to question or debate the issue, with a five-minute closing by Councillor Schneider. Following all discussion, a vote will be taken, and a two-thirds majority is required to overturn a decision of the Metropolitan Development Commission.

Councillor Schneider asked for consent to reserve his first two minutes to add to the final five minutes. Consent was given.

Bob Clutter, attorney for the petitioner, stated that this two acres is currently zoned for religious use and presently features a mold-infested single family residence that has been unoccupied since 1996. He said that the property has been for sale since 1996, and there have been no offers for a church project or residence on the property. The property sits 20 feet from Binford Boulevard, and over 400 feet from the neighboring residential area. He said that there are mature trees in the buffer area from the residential development that the petitioner has agreed to keep as a part of their project. Mr. Clutter said that besides being located on the busy intersection of Rucker and Binford, there is a sewer easement that makes other uses next to impossible. The petitioner, Stan's Sign Design, has agreed to install a privacy fence to shield the parking lot and add to the

buffer from the neighborhood. Stan's Sign Design is a small business that has been in existence for 20 years on the west side of Binford Boulevard. The company experiences approximately three to four customers a day, only has four employees, and operates with 8:30 a.m. to 5:30 p.m. hours Monday through Friday, with no weekend hours. Mr. Cutter said that while he can understand the staff's concerns, this business is not a typical print shop operation, and most of the work is done on computers and laser printers and is very quiet and does not produce the noise associated with printing presses. He said that both the Hearing Examiner and the Metropolitan Development Commission (MDC) approved the project. He asked the Council to uphold the MDC's decision and support the petition.

Charlie Garrett, resident of Asher Street, said that he supports the petition. If the project were to be developed under its current zoned use, there would be more flooding problems in the area than there already are. He said that the petitioner has agreed to every commitment asked for and will be a good neighbor.

Bob Dinson, resident of Brixton Lane, said that he has lived in the area for 10 years and has been active in the neighborhood association. He said that he has in the past opposed every other project being considered for this location, but after speaking with the owner of the company and seeing their operating hours, he feels Stan's Sign Design will be a good neighbor.

Stan Charles, owner of Stan's Sign Design, stated that 48,000 cars pass along Binford Boulevard every day. He said that there are already three churches on one block of Rucker Road, and the residents seem to simply want nothing developed on this property. He said that this is a commercial corridor on a four-lane highway. He said that as the property stands now, unoccupied, the property is useless to the City. He said that he has agreed to all the commitments asked for by the neighbors and will be a good tax-paying neighbor.

Mr. Cutter said that he would like to reserve the remaining five minutes of the petitioner's presentation for rebuttal.

Richard Wheeler, past president of the Devonshire Neighborhood Association, said that he continues to be involved in preventing this property from being sold for a commercial project rather than residential. He said that the reason there have been no residential offers for the property is because the location has never been marketed as residential. He said that he has supported other variances in the neighborhood, but feels strongly that this variance should not be allowed.

Mia Bingham, neighbor, said that the City planners have designated this property as residential or religious use. She said that both the Marion County Alliance of Neighborhood Associations (MCANA) and the Greater Allisonville Community Council (GACC) believe commercial use is not appropriate for the property. She added that 23 of the 24 neighbors in the Devonshire area are opposed to the project. This area is a hidden gem of the City and she commended Councillors Talley and Schneider for visiting with the neighbors and supporting denial of the variance.

Gregory Silver, attorney for the remonstrators, asked those in attendance who oppose the project to stand. He said that this variance would allow for an industrial use on 6,000 square feet of property. He said that there are other vacant commercially-zoned locations nearby, and the neighbors do not want any further commercial encroachment. He said that he will reserve the remaining six and half minutes for rebuttal.



President Boyd called for public testimony from anyone not already associated with the remonstrators or petitioner.

Reverend Pamela Pinkney, citizen, stated that this seems to be a blatant act of discrimination, and she is opposed to any act of discrimination against church or race. She encouraged the Council to consider use of land and elements within a community.

President Boyd called for rebuttal statements from the petitioner and remonstrators.

Mr. Clutter said that the staff is relying on an outdated zoning plan. Not many residents would want to live 20 feet from Binford Boulevard, and that is why the property has not been marketed as residential. He said that the neighborhood could probably not achieve a better buffer than 400 feet and the petitioner's agreement to keep the mature trees in place. He said that the attorney for the remonstrators referred to this project as an industrial use, but that is not correct. The technology Stan's Sign Design uses is simply normal office equipment such as computers and laser printers and it is not an industrial company. He said that the Hearing Examiner and the MDC hear cases like these all the time and are experts in these matters, and both recommended approval.

Tom Riddle, resident of Devonshire neighborhood, said that he is a past president of the neighborhood association, and he loves the neighborhood and wants to stay. He said that the petitioner has agreed to all of the concessions the neighbors have asked for, and a 400-foot buffer is substantial. He said that an intrusive commercial use would be a liquor store or fast food restaurant, but not this operation. He said that the current residential building has been an eyesore, and nothing else has ever been even remotely acceptable to the neighbors in this location. He said that Mr. Charles and his wife are good people and this is a good business, and they will be good neighbors. He said that the empty, contaminated building will diminish property values more than such a commercial project.

Mr. Silver said that the district Councillors are asking for support in denying this petition, and if Council members do not support the district Councillor, it is possible others will not support them when such issues arise in their communities. He said that voting in favor of the petitioner would be saying that the neighborhood associations and district Councillors have no meaning.

Councillor Abdullah said that he is always a champion of the concerns of the community, but also feels development of small businesses is important. He asked if the petitioner has looked at other properties on the commercial side of Binford Boulevard. Mr. Charles said that his desire is to remain on Binford, as his customer base is there. He said that the realtor only found two other commercial properties. One lot was too small and twice the cost, while the other is in an elongated shape with a billboard in the middle, and it would be very difficult and costly to develop. He said that he is tired of leasing, and wants to own his own property to house his business. He said that he did look at other opportunities, and this was by far the best location.

Councillor Bowes said that the petitioner has testified that there will never be more than four employees at the business, and he cannot see the situation getting out of hand. He said that the petitioner has agreed to all the demands of the neighborhood and the petitioner even agreed to parking on the south side of the building as requested by the neighbors instead of on the north side as originally recommended by staff. He said that there is a lot of commercial development in the area, and he believes the petitioners will be a good neighbor.

Councillor Sanders said that she did walk the property and visited with Mr. Charles. She said that this business is not an industrial use, and there is no more noise in the facility than there would be in the Council office. She said that it was not smart for Mr. Silver to suggest that Councillors oppose the petitioner in order to secure future votes in their district. She added that the neighbors seem to want a residential use, but the property is zoned for church use. She said that she believes the Council should vote on the merits of the project.

Councillor Gibson said that he supports the petition. He said that the petitioner has agreed to a buffer and numerous other commitments to please the neighbors. He said that he lived at 71<sup>st</sup> Street and Binford Boulevard for many years, and this is a very busy intersection, and the property has been vacant for many years, and it is obvious that the traffic is one reason. He said that he is a supporter of small businesses and business/neighborhood partnerships.

Councillor Conley said that if he had not visited the property and seen the mold and mildew and disrepair of the current facility, he would not know that a development was desperately needed at this location. He said that for Mr. Silver to talk about trading votes is an insult, and each Council member has a mind of their own.

Councillor Pfisterer said that she struggles with this project. Generally, she is supportive of economic development and small businesses, but if the property is rezoned, then future variances would not be needed. Although Mr. Charles would be a good neighbor, if he does not continue in this location, the next business may not be such a good neighbor. She said that the letter she received from Mr. Silver was insulting by implying that she could not vote on her own conscience but would simply trade votes with the district Councillor.

Councillor Schneider said that he will share his allotted time for final comments with Councillor Talley, as his district overlaps this area as well.

Councillor Talley said that 33 of 38 residents, six neighborhood organizations, and the staff all support denial of the project. He said that he supports the homeowners and urged his colleagues to vote against business encroachment in residential areas.

Councillor Schneider said that he is not anti-business or anti-development, but he believes that to approve this petition would set a dangerous precedent. He said that proper land use needs to be considered, and he believes the MDC got this particular case wrong.

President Boyd stated that a “yea” vote would be to sustain the decision of the MDC and approve the zoning variance petition. A “nay” vote would be to overturn the decision of the MDC and deny the variance. He said that in order to overturn the MDC’s decision, a two-thirds majority is required, or 18 votes. He said that in the absence of 18 votes, the vote would be considered indecisive, and therefore the MDC decision in favor of the petitioner would prevail, and the rezoning ordinance will pass into law.

The vote to overturn the decision of the MDC failed on the following roll call vote; viz:

*11 YEAS: Bowes, Boyd, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Nytes, Oliver, Sanders*

*17 NAYS: Abdullallah, Borst, Bradford, Brown, Cain, Cockrum, Day, Keller, Langsford, McWhirter, Moriarty Adams, Pfisterer, Randolph, Salisbury, Schneider, Speedy, Talley*

*1 ABSENT: Plowman*

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Proposal No. 265, 2004 was retitled REZONING ORDINANCE NO. 61, 2004, and is identified as follows:

REZONING ORDINANCE NO. 61, 2004.

2003-ZON-170

6373 RUCKER ROAD (Approximate Address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #4

STAN'S SIGN DESIGN, by Robert V. Clutter, requests a rezoning of two acres, being in the SU-1 District, to the C-S classification to provide for a 6,000 square foot commercial building with administrative offices and a custom sign design facility.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 179, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 179, 2004 on March 18, 2004. The proposal was returned to Committee by the full Council on April 12, 2004, and was heard again in Committee on April 15 and 29, 2004. The proposal, sponsored by Councillor Plowman, authorizes a 20 mph speed limit on Timber Lake Boulevard and Timber Lake Way. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Talley, for adoption. Proposal No. 179, 2004 was adopted on the following roll call vote; viz:

*17 YEAS: Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders*

*0 NAYS:*

*11 NOT VOTING: Abdullah, Cain, Franklin, Gibson, Gray, Keller, Langsford, Randolph, Schneider, Speedy, Talley*

*1 ABSENT: Plowman*

Proposal No. 179, 2004 was retitled GENERAL ORDINANCE NO. 31, 2004, and reads as follows:

#### **CITY-COUNTY GENERAL ORDINANCE NO. 31, 2004**

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," "Sec. 441-323, Alteration of prima facie speed limits.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

**20 MPH**

*Timber Lake Boulevard from Arlington Avenue to Timber Lake Way*

*Timber Lake Way from Timber Lake Boulevard to end*

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 235, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 235, 2004 on May 11, 2004. The proposal, sponsored by Councillors Nytes, Mansfield, Plowman and Brown, creates a county rainy day fund and a city

rainy day fund as authorized by IC 36-1-8-5.1. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Bradford asked if money accumulates to a certain amount if it could then be returned to taxpayers or if it will just keep building. Councillor Nytes said that they could use it to offset future appropriation needs and therefore could possibly reduce other levies to give taxpayers a break.

Councillor Nytes moved, seconded by Councillor Brown, for adoption. Proposal No. 235, 2004 was adopted on the following roll call vote; viz:

*24 YEAS: Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders*

*0 NAYS:*

*4 NOT VOTING: Abdullah, Schneider, Speedy, Talley*

*1 ABSENT: Plowman*

Proposal No. 235, 2004 was retitled GENERAL ORDINANCE NO. 32, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2004

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to create a county rainy day fund and a city rainy day fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 135, Article II, of the "Revised Code of the Consolidated City and County," regarding nonreverting county funds, hereby is amended by the addition of a NEW Division 7 to read as follows:

DIVISION 7. COUNTY RAINY DAY FUND

**Sec. 135-271. County Rainy Day Fund.**

There is hereby created a special fund to be designated the "county rainy day fund" pursuant to IC 36-1-8-5.1 to be used for the same purposes for which property taxes and county option income taxes may be used. The fund shall be administered by the county auditor. The fund shall consist of all unused and unencumbered funds received by the county under IC 36-1-8-5, IC 6-3.5-6-17.3, or any other funding source not otherwise prohibited by law. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year. Such balances shall not lapse into the county general fund or ever be directly or indirectly diverted in any manner for uses other than those stated in this section. Amounts shall be paid from such fund only pursuant to appropriations authorized by the city-county council.

SECTION 2. Chapter 135, Article III, of the "Revised Code of the Consolidated City and County," regarding nonreverting city funds, hereby is amended by the addition of a NEW Division 8 to read as follows:

DIVISION 8. CITY RAINY DAY FUND

**Sec. 135-381. City Rainy Day Fund.**

There is hereby created a special fund to be designated the "city rainy day fund" pursuant to IC 36-1-8-5.1 to be used for the same purposes for which property taxes and county option income taxes may be used. The fund shall be administered by the city controller. The fund shall consist of all unused and unencumbered funds received by the ~~county~~ city under IC 36-1-8-5, IC 6-3.5-6-17.3, or any other funding source not otherwise prohibited by law. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year. Such balances shall not lapse into the consolidated

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county fund or ever be directly or indirectly diverted in any manner for uses other than those stated in this section. Amounts shall be paid from such fund only pursuant to appropriations authorized by the city-county council.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 236, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 236, 2004 on April 28, 2004. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$34,287 in the 2004 Budget of the County Prosecutor (State and Federal Grants Fund) to pay for expenses related to the Victim Advocate Unit. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 236, 2004 was adopted on the following roll call vote; viz:

*25 YEAS: Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Speedy, Talley*

*0 NAYS:*

*3 NOT VOTING: Abdullah, Sanders, Schneider*

*1 ABSENT: Plowman*

Proposal No. 236, 2004 was retitled FISCAL ORDINANCE NO. 62, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No 114, 2003) transferring and appropriating an additional Thirty Four Thousand Two Hundred Eighty Seven Dollars (\$34,287) in the State & Federal Grants Fund for purposes of the Marion County Prosecutor and reducing certain other appropriations for that agency and the Marion County Auditor.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to pay for supplies, printing, computers, software, and furniture for the Victim Advocate unit.

SECTION 2. The sum of Thirty Four Thousand Two Hundred Eighty Seven Dollars (\$34,287) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE &amp; FEDERAL GRANTS FUND</u>
2. Supplies	16,537
3. Other Services and Charges	7,788
4. Capital Outlay	<u>9,962</u>
TOTAL INCREASE	34,287

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY AUDITOR</u>	<u>STATE &amp; FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	13,139

  

<u>MARION COUNTY PROSECUTOR</u>	
1. Personal Services	<u>21,148</u>
TOTAL DECREASE	34,287

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 237, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 237, 2004 on May 6, 2004. The proposal, sponsored by Councillors Gray and Randolph, approves certain public purpose grants totaling \$1,625,000 for the support of the arts. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gibson said that he supports the proposal and he appreciates all of the due diligence done by Ramona Baker, executive director of the Arts Council of Indianapolis.

Councillor Nytes said that she knows the City is searching for ways to fund so many great services and activities. She said that she supports educational efforts that offer young people alternatives to crime, and she believes such efforts ultimately help in the effort to ensure public safety.

Councillor Salisbury said that an \$8 million shortfall is too great a debt and he would like to see half of this money taken to help out IndyGo instead.

Councillor Keller said that arts opportunities help to attract and retain companies in Indianapolis because of added quality of life for employees.

Councillor Bradford said that the arts make a big difference in his district. He invited Council members to the Broad Ripple Arts Fair this Saturday, which is just one of the many arts opportunities this City has to offer.

Councillor Speedy said that he supports the arts, but believes all entities receiving these dollars do not provide performances that are appropriate for all members of the community, therefore he will vote against the proposal to speak up for those citizens.

Councillor Gray moved, seconded by Councillor Gibson, for adoption. Proposal No. 237, 2004 was adopted on the following roll call vote; viz:

*24 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Sanders*  
*3 NAYS: Salisbury, Schneider, Speedy*  
*1 NOT VOTING: Talley*  
*1 ABSENT: Plowman*

Proposal No. 237, 2004 was retitled GENERAL RESOLUTION NO. 6, 2004, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 2004

A PROPOSAL FOR A GENERAL RESOLUTION approving certain public purpose grants totaling \$1,625,000.00 for the support of the arts.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana ("City-County Council") appropriated the sum of One Million, Six Hundred and Twenty-five Thousand Dollars (\$1,625,000.00) in Section 4(d) of City-County Fiscal Ordinance No. 112, 2003, Annual Budget of the Consolidated City of Indianapolis (Budget Ordinance) for funding arts grants to be made by the Arts Council of Indianapolis and provided that such grants shall be considered public purpose local grants; and

May 17, 2004

WHEREAS, Section 4(c) of the Budget Ordinance requires that sums appropriated therein for public purpose local grants shall not be spent until the City-County Council approves the amount and identity of the recipient of each grant; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The following grants and administrative expenses totaling One Million, Six Hundred and Twenty-five Thousand Dollars (\$1,625,000.00) for support of the arts is approved in the following amounts for the following organizations:

**ARTS COUNCIL OF INDIANAPOLIS**

2004 Annual Grants Program

Community Outreach and Arts Education Initiatives

<b>Organization Name</b>	<b>2004 Award</b>
African Community International	\$ 5,000
American Pianists Association	32,000
At Your School	4,000
Ballet Internationale	20,000
Boys & Girls Club of Indianapolis	7,000
Buselli Wallarab Jazz Orchestra	7,000
Children's Museum of Indianapolis	85,000
Children's Theatre Institute	8,000
Clowes Memorial Hall	39,000
Crown Hill Heritage Foundation	5,000
Dance Kaleidoscope	52,000
Eiteljorg Museum	71,000
Festival Music Society of Indiana	8,000
Fine Arts Society	6,000
Freetown Village	36,000
Friends of Holliday Park	5,000
Gregory Hancock Dance Theatre	15,000
Harrison Center for the Arts	8,000
Heartland Film Festival	23,000
Hoosier Salon 9,000	
Indiana Black Expo	22,000
Indiana Repertory Theatre	71,000
Indiana Historical Society	5,000
Indianapolis Art Center	71,000
Indianapolis Arts Chorale	10,000
Indianapolis Baroque Orchestra	3,000
Indianapolis Chamber Orchestra	41,000
Indianapolis Children's Choir	30,000
Indianapolis Civic Theatre	46,000
Indianapolis Marion County Public Library Foundation	8,000
Indianapolis Museum of Art	84,000
Indianapolis Museum of Contemporary Art	3,000
Indianapolis Opera	55,000
Indianapolis Senior Citizens' Center	7,000
Indianapolis Symphonic Band	9,000
Indianapolis Symphonic Choir	25,000
Indianapolis Symphony Orchestra	89,000
Indy Choruses 4,000	
Interaction Theatre	2,000
International Center of Indianapolis	20,000
International Violin Competition	46,000
Madame Walker Theatre Center	41,000
Martin Luther King Multi Service Center	10,000
National Art Museum of Sport	2,000
New World Youth Orchestras	9,000
Philharmonic Orchestra of Indianapolis	15,000
Phoenix Theatre	44,000
Pike Performing Arts Center	7,000
ShadowApe Theatre Company	7,000

Storytelling Arts of Indiana	27,000
Urban Arts Consortium of Indianapolis	13,000
VSA arts of Indiana	50,000
WFYI Teleplex	33,000
Young Audiences of Indiana	60,000

**TOTAL      \$ 1,414,000**

**ARTS COUNCIL OF INDIANAPOLIS**  
Distribution of 2004 City Arts Funding

Grants for Community Arts Projects (see attached list of grant recipients)	\$ 1,414,000
Mini Grant Program	30,000
Arts Initiatives: Resource Guides, Workshops, Special Initiatives	28,000
Technical Assistance Programs	23,000
Adjudication and Panel Costs	20,000
Administration of Grants Program, Contracts, Administration, Audits, Processing, Workshops, Printing, and Promotion of Grants	110,000

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 238, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 238, 2004 on April 29, 2004. The proposal, sponsored by Councillors Conley and Speedy, modifies the existing sewer use ordinance to comply with requirements set forth in the City's National Pollution Discharge Elimination System (NPDES) permit. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that both sides worked together to work out all outstanding issues, and he now supports the proposal.

Councillor Mahern added that he strongly supports the proposal and it will be very beneficial for the constituents in his district.

Councillor Conley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 238, 2004 was adopted on the following roll call vote; viz:

*27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy*  
*0 NAYS:*  
*1 NOT VOTING: Talley*  
*1 ABSENT: Plowman*

Proposal No. 238, 2004 was retitled GENERAL ORDINANCE NO. 33, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2004

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to prohibit the construction of new combined sewers.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE



CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 671-151 of the "Revised Code of the Consolidated City and County," regarding requirements for sanitary sewer construction permits and enforcement, hereby is amended by the addition of the language which is underscored, to read as follows:

**Sec. 671-151. Requirements for construction permits; enforcement.**

(a) It shall be unlawful to cause or allow the construction or modification of any sanitary sewer or sanitary sewer lift station without first obtaining a valid construction permit issued by the division of compliance and the Indiana Department of Environmental Management, if necessary; provided, however, a sanitary sewer construction permit shall not be required for maintenance work performed by or on behalf of the department.

(b) The division of compliance may deny permits to any applicant who is currently in violation of this chapter or any applicable regulations.

(c) A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the division of compliance.

(d) Construction of new combined sewers is prohibited. "Construction of new combined sewers" does not include the following:

- (1) Rehabilitation or repair of existing combined sewers
- (2) Rehabilitation or repair of sewers that connect to existing combined sewers.
- (3) Connection of sanitary and/or storm sewers to existing combined sewers.
- (4) Construction of any new combined sewer designed to reduce overflows from existing combined sewers.
- (5) Construction of any new combined sewer associated with redevelopment within an area serviced by pre-existing combined sewers.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 239-244, 2004 on April 29, 2004. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 239, 2004. The proposal, sponsored by Councillor Bowes, authorizes parking restrictions for Patricia Street from 30th Street to Brittany Road. PROPOSAL NO. 240, 2004. The proposal, sponsored by Councillor Cockrum, authorizes parking restrictions on Mooresville Road between Wycliff E. Drive and Oaknoll Drive. PROPOSAL NO. 241, 2004. The proposal, sponsored by Councillor Speedy, authorizes a traffic signal for Edgewood Avenue and Gray Road. PROPOSAL NO. 242, 2004. The proposal, sponsored by Councillor Cain, authorizes parking restrictions on Bay Vista E. Drive and W. Drive near 9th Street. PROPOSAL NO. 243, 2004. The proposal, sponsored by Councillor Keller, authorizes a one-way restriction on Dearborn Street between New York Street and Michigan Street. PROPOSAL NO. 244, 2004. The proposal, sponsored by Councillor Cain, authorizes a traffic signal for the intersection of

Hague Road and 89th Street. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Keller, for adoption. Proposal Nos. 239-244, 2004 were adopted on the following roll call vote; viz:

*27 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy*  
*0 NAYS:*  
*1 NOT VOTING: Talley*  
*1 ABSENT: Plowman*

Proposal No. 239, 2004 was retitled GENERAL ORDINANCE NO. 34, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Patricia Street, on the north side, from  
30<sup>th</sup> Street to a point 250 feet northwest of 30<sup>th</sup> Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 240, 2004 was retitled GENERAL ORDINANCE NO. 35, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-106, Obstruction of sidewalks, grassplots, crosswalks or other public spaces.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-106, Obstruction of sidewalks, grassplots, crosswalks or other public spaces, be and the same is hereby amended by the addition of the following, to wit:

Mooreville Road, on the north side, from  
Wycliff E. Drive to Oaknoll Drive

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 241, 2004 was retitled GENERAL ORDINANCE NO. 36, 2004, and reads as follows:

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CITY-COUNTY GENERAL ORDINANCE NO. 36, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Edgewood Ave Gray Rd	None	All Way Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Edgewood Ave Gray Rd	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 242, 2004 was retitled GENERAL ORDINANCE NO. 37, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Bay Vista E. Drive, on the west side, from  
Behner Crossing to 96<sup>th</sup> Street

Bay Vista W. Drive, on the east side, from  
Behner Crossing to 96<sup>th</sup> Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 243, 2004 was retitled GENERAL ORDINANCE NO. 38, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

**SOUTHBOUND**

Dearborn Street, from Washington Street to New York Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 244, 2004 was retitled GENERAL ORDINANCE NO. 39, 2004, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 39, 2004**

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3	Hague Rd 89 <sup>th</sup> St	Hague Rd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3	Hague Rd 89 <sup>th</sup> St	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Randolph in memory of Gertrude Johnson, Elaine Cultice Bright, and Ted Kofodimous; and
- (2) Councillor Moriarty Adams in memory of Ruth Cunningham Murray, Catherine Eaton, and Mickie Mouser; and
- (3) Councillor Boyd in memory of Clyde C. Jackson; and
- (4) Councillors Talley, Boyd, Sanders, and Abdualah in memory of Karolyn Elaine Brents; and
- (5) Councillors Schneider and Bradford in memory of Curtis W. Hunter.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Gertrude Johnson, Elaine Cultice Bright, Ted Kofodimous, Ruth Cunningham Murray, Catherine Eaton, Mickie Mouser, Clyde C. Jackson, Karolyn Elaine Brents, and Curtis W. Hunter. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

*May 17, 2004*

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:36 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 17th day of May, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

